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EAST TIMOR

Briefing for ASEM Foreign Ministers Meeting March 1999

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In January 1999 Indonesia announced that East Timor could become independent if a package on autonomy, currently being negotiated between the Indonesian and Portuguese Governments under United Nations (UN) auspices, is rejected by the East Timorese. The announcement has provided dramatic impetus to UN talks on East Timor which had for years progressed little. Jakarta's change in position follows a period of greater openness in East Timor since May 1998, as some of the political restrictions imposed under former President Suharto disappeared. In November 1998, the Indonesian Government allowed the UN Special Rapporteur on Violence Against Women to visit East Timor and in February 1999 the UN Working Group on Arbitrary Detention was also given access to the territory.

These positive developments however have not been matched by an improvement in the human rights situation in East Timor. On the contrary, Indonesia's armed forces have resorted to unlawful killings, torture and incommunicado detention and armed paramilitary units, operating alongside the Armed Forces, have been responsible for the unlawful killing of at least six people in January 1999 alone. The perpetrators of human rights violations are still not brought to justice on a systematic basis and, despite inviting two UN human rights experts to East Timor, the authorities maintain restrictions on human rights monitoring in the territory, in particular in the context of military operations. Several East Timorese prisoners of conscience are still detained and despite a prisoner release program initiated by the Habibie Government, there has been no review of the convictions against dozens of political prisoners sentenced following unfair trials.

The Current Human Rights Situation

Unlawful killings, "disappearances", arbitrary detention and torture all continued to be reported in the context of ABRI's operations against the East Timorese National Liberation Army (*Falintil).* On 31 October, three Indonesian soldiers and an Indonesian civilian were detained by participants at a political meeting in Weberek, Manufahi District, south of the East Timorese capital of Dili. *Falintil* members were present at the meeting. The four were reportedly tied up before two of the soldiers and the civilian were killed. The third soldier escaped but later died. Allegations that the killings were carried out by *Falintil* have not yet been verified. A second incident took place on 9 November when there was an attack by *Falintil* on the subdistrict military command in Alas, also in Manufahi District. During the attack three members of ABRI were killed and a large number of weapons were stolen.

A military operation launched to trace those believed responsible for the attacks resulted in incommunicado and arbitrary detention and torture. Reports of a large number

of civilians being unlawfully killed have still not been fully investigated because of restrictions on access to the area. Eleven people, including two women, are on trial for alleged involvement in the attacks against ABRI. All eleven were arrested by the Armed Forces, denied access to lawyers and several were subjected to severe beatings, torture and ill-treatment. **Aleixo Diaz**, 36, was arrested on 13 November 1998 by Battalion 744. Upon arrest he was beaten on his head, face, body and arms with a rifle butt and a piece of wood. He was then detained for two days in a village, beaten again and burnt with cigarettes. **Marcelino Alves**, 20, also arrested on 13 November, was hit with rifle butts, kicked and had half his ear bitten off. His lawyers claim that he was also forced to eat excrement.

"Disappearances" continued to be reported during 1998 and the fate of many individuals feared "disappeared" remains unclear. The Indonesian Government is still failing to ensure that there are full and impartial investigations into these and other human rights violations in East Timor. Some members of the Armed Forces have been charged in connection with unlawful killings but such prosecutions continue to be as a result of inquiries by the Military Police, not an independent body. Few such cases have resulted in convictions. A soldier was tried for the June 1998 murder of Herman das Dores, who was shot dead during a European Union Troika visit to East Timor. The death of another man, Orlando da Costa, also killed by the military during the EU Troika visit, remains uninvestigated and the perpetrator not brought to justice.

Paramilitary Units and human rights

According to leaked documents purportedly from the Indonesian military, there are around 1,200 people recruited into 12 paramilitary units operating alongside ABRI in most areas of East Timor.[1] Recent reports indicate that the Indonesian Armed Forces have stepped-up the provision of arms to the paramilitary units and increased their involvement in operations against alleged pro-independence supporters, during which serious human rights violations have been committed.

The paramilitary units, largely comprised of East Timorese, wear military-style uniforms and are armed with automatic rifles. The units take part in ABRI operations against *Falintil* and join in the arrest of suspected members of *Falintil* or the underground movement. Ostensibly independent civilian militias, the units are believed to be established and armed by ABRI and operate under ABRI control. In addition, other groups, which are ostensibly political groupings in support of East Timorese integration with Indonesia

[1]The documents, variously dated from November 1997 to August 1998, are purportedly from the Udayana Regional Military Command (Kodam) which covers East Timor. They provide a detailed breakdown of ABRI's strength in East Timor.

provide intelligence support to ABRI and assist with arrests. These groups, which include Gadapaksi, are armed but do not wear uniforms.

On 3 January 1999, two men were shot dead by a paramilitary group called *Mahidin* in Ainaro, around 110 kilometres south of Dili. *Mahidin* was formed in late 1998 after the Ainaro District Military Command (Kodim) and other military units ordered local pro-integration supporters to form a civilian militia. Armed by ABRI, *Mahidin* recruited people from every village in Ainaro. A plan to establish posts in every village increased existing tensions between supporters of East Timorese independence and those favouring continued integration with Indonesia. The conflict had spilled over into violence and pro-independence supporters are reported to have burnt down a house and issued threats against pro-integrationists. On 3 January, a group of pro-independence youths went to *Mahidin's* headquarters reportedly to make peace. They are believed to have been unarmed but human rights monitors claim that despite this, the group was shot at by several *Mahidin* members. Two men, Julio, 22 and Reinaldo, 23 were killed and four others were wounded. The perpetrators were arrested but it is not clear whether they are still in custody or facing prosecution.

In late January 1999, *Mahidin* was also involved in the unlawful killing of at least four people in Zumalai Sub-district, Covalima District. Fernando Cardoso was shot dead on 24 January by Mahidin and a joint military operation made up of marines, infantry and Special Forces Command (Kopassus) officers. The following day, three other people, Olandino Pereira, Angelina de Jesus, who was reportedly pregnant, and Luis Pereira, 15, were shot dead in Zumalai. In a media interview, the leader of *Mahidin* admitted that the unit carried out the attack on what it described as a "rebel post" and that the three people were killed by *Mahidin* during the attack.[2]

Amnesty International considers that there is insufficient accountability within the structure of the paramilitary units in East Timor and that measures to control their actions either by the paramilitary units themselves or by the Armed Forces are inadequate. Political tension between groups in support of East Timorese independence and those wanting to remain part of Indonesia has increased since Jakarta's announcement about East Timor's future status. The arming of undisciplined pro-Indonesian paramilitary units operating outside clear command structures heightens the prospect of continued human rights violations.

Amnesty International believes that the Indonesian Government should either disband the paramilitary units or take immediate action to regularise them by clarifying to

[2]BBC World Service Radio Interview, 5 February 1999.

whom they are accountable; issuing clear instructions about the scope of their law enforcement activities and security functions and how these compliment those of ABRI; make clear the chain of command for each of the paramilitary units; ensure that all members of paramilitary units receive training in human rights and humanitarian law; and ensure that all members of paramilitary units who commit human rights violations and superior officers who tolerate such abuses are brought to justice.

East Timorese Prisoners

Since May 1998, some 64 East Timorese have been released from prison, had charges against them dropped or parole restrictions lifted in a program ordered by the new President. At least 14 of this group had already been released from prison and eight were within months of finishing their sentences. While welcoming the Habibie Government program, Amnesty International is concerned that three East Timorese men continue to serve sentences of up to life imprisonment for their peaceful political activities.[3] At least 66 East Timorese convicted for involvement in violent activities have so far been denied the opportunity to have their convictions reviewed by an independent body.

Amnesty International calls on ASEM Foreign Ministers in their meetings with the Foreign Minister of Indonesia either individually or in concert:

- to use their influence to ensure that the UN discussions concerning the future status of East Timor contain a comprehensive package on human rights protection and promotion, including provisions for on-going international human rights monitoring in East Timor, reform of the judicial system to ensure adherence to international standards of fair trial and independence; the establishment of a civilian police force trained in law enforcement and human rights standards; the creation of a clear division of work between the armed forces and the civilian police; the development of mechanisms for accountability and monitoring of law enforcement;

- to urge the Government of Indonesia to immediately regularise or disband all armed paramilitary units in East Timor;

- to urge the Government of Indonesia to take immediate steps to prevent extrajudicial executions, "disappearances" and torture by ABRI;

- to urge the Indonesian authorities to allow for the systematic conduct of full and impartial investigations into all allegations of human rights violations, including

[3]They are Francisco Miranda Branco, Gregorio da Cunha Saldanha and João Freitas da Camara.

reports of "disappearances", unlawful killings and torture and ill-treatment of detainees; ensure that the perpetrators are brought to justice;

- to urge the Government of Indonesia to release the remaining East Timorese prisoners of conscience and review the convictions against all East Timorese political prisoners;

- to welcome the visit to East Timor by the Working Group on Arbitrary Detention, and urge the Government of Indonesia to take immediate steps to address arbitrary detention now and ensure that all arrests are conducted in accordance with international human rights standards.

- to urge the Government of Indonesia to grant regular and unhindered access to national and international human rights monitors to all areas of East Timor;

- to urge the Government of Indonesia to implement recommendations contained in resolutions and statements of UN Commission on Human Rights, chair's statements and reports by UN experts such as the Special Rapporteur on torture and the Special Rapport on extrajudicial, summary or arbitrary executions.